Title: Further discussion on the Mines and Minerals (Regulation and Development) Amendment Bill, 1999. Moved by Shri Naveen Patnaik on the 3rd December, 1999. (Concluded). (Bill passed)

15.35 hrs.

MR. CHAIRMAN : We would now take up for discussion the motion moved by Shri Naveen Patnaik. When we adjourned the discussion yesterday, Shri M.V.V.S. Murthi was on his legs. So, let him continue.

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Madam, our country is having huge mineral deposits. The minerals that we could tap so far is very negligible, but we are importing coal and other items which is causing a lot of drain on foreign exchange. If we do not gear up ourselves to exploit the mineral resources in our country, we have to rely on imports. The present policy of managing the mines and minerals is to invest huge amount of money in this sector. Unless we attract foreign investments in this sector, it would be very difficult to augment the resources that are required for the development of minerals.

A lot of illegal mining is taking place which causes a lot of damage to our country. If you provide opportunities to those coming from abroad, perhaps it would hasten the progress in this area. I would like to point out that relaxing the present policy would bring revenues to the States also. The present policy indicates that royalty has to be stepped up. That would benefit the States concerned to a large extent. The States are facing resource crunch. The resources that they are getting out of the mineral wealth will help the States. If we accelerate the growth of this sector, we can export minerals instead of importing them. Of course, all these things have to be done keeping the interests of our country in mind. Our country is full of mineral deposits. In Andhra Pradesh and its neighbouring State, Orissa, bauxite is available in abundance. We are not able to exploit them. I suggest that outside agencies have to be involved for the development of the areas where bauxite is available in plenty so that the area would also develop and the unemployment problem which is rampant in these areas can also be overcome. The unemployed people are resorting to illegal mining. So, at this juncture it is necessary and imperative to develop these places where minerals are available in abundance. Given an opportunity, many private agencies would come into this sector.

With these few suggestions, I would like to conclude.

श्री सत्यव्रत चतुर्वेदी (खजुराहो) : सभापति महोदया, यह इस देश का सौभाग्य भी है और दुर्भाग्य भी कि हमारे यहां भारी और प्रचुर मात्रा में प्राकृतिक संसाधन हैं। उनमें खनिज और खान से संबंधित संसाधनों का भी कोई अभाव नहीं है। लेकिन इतने वर्षों में हमने असुनियोजित, असंगत तरीके से इन खनिजों के दोहन का कार्य किया है और उसी का परिणाम है कि पिछले अनेक वर्षों के अनुभव के बाद हम इस नतीजे पर पहुंचे हैं कि हमें वर्तमान व्यवस्था में कहीं न कहीं संशोधन करना होगा, सुधार करना होगा। यह मांग अनेक वर्षों से उठाई जाती रही है और १९९७ में भारत सरकार के खान और खनिज सचिव की अध्यक्षता में एक समिति का गठन हुआ। उस समिति में व्यापक रूप से इन सारे मुद्दों पर, जो विभिन्न प्रदेशों से उठाये गये, विचार करने के बाद एक सिफारिश की गई और उस सिफारिश के परिणामस्वरूप उन मुद्दों को इन कारपोरेट करते हुए यह विधेयक लाया गया है जिस पर हम विचार कर रहे हैं। इस विधेयक को लाने के पीछे जो भावना है, वह निश्चित रूप से स्वागत योग्य है। अगर इसके पीछे यह भावना है कि इस देश के खनिजों के दोहन को नियमितिकरण किया जाये, सुनियोजित तरीके से एक नीति बनाई जाये और जो अफरा-तफरी का वातावरण है, उसे समाप्त किया जाये, नियंत्रित किया जाये, मैं नहीं समझता कि इससे किसी को विरोध होगा। लेकिन साथ ही यह भी ध्यान रखना जरूरी है कि कहीं ऐसा तो नहीं कि हम जो वर्तमान संशोधन प्रस्तावित कर रहे हैं, उनका कहीं दुरुपयोग न होने लग जाये। हमें इस तरफ सचेत रहने की आवश्यकता है।

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"इस संशोधन के माध्यम से आपने राज्यों के बहुत से अधिकारों को प्रत्यायोजित या हस्तांतरित करने का प्रस्ताव किया है। जैसे चूना, पत्थर के खनन के पट्टों को प्रदाय करने की जो वर्तमान व्यवस्था है, उसे परिवर्तित करके आप राज्य को अधिकार दे रहे हैं कि वे इसका निर्धारण और अंतिम निराकरण कर सकें। यह अच्छी बात है, स्वागत योग्य है। लेकिन ठीक उसी जगह मैं यह सुझाव देना चाहूंगा कि आपने अगर अनुसूची (१) के भाग (ग) से इसको निकाला है तो आंध्र प्रदेश, उड़ीसा, मध्य प्रदेश, बिहार आदि अनेक प्रदेशों में बॉक्साइट का बहुत बड़ा भंडार है, जिसके दोहन के लिए सारी ऐप्लीकेशन्स को केन्द्र तक रैफर किया जाता है और उसमें काफी समय नष्ट होता है, केवल औपचारिकता होती है, ठीक उसी तरह जैसे चूने के पत्थर का हाल था । यदि उसे भी सरलीकरण करके ये अधिकार वहां प्रत्यायोजित करें तो वे प्रदेश सरकारें अपने स्तर पर, अपनी स्थानीय आवश्यकताओं के अनुरूप निराकरण करके वहां निर्णय ले सकते हैं। यह कोई ऐसा खनिज नहीं है जिसे आप बहुत सैनसिटिव खनिज की श्रेणी में रख सकें।

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"खनन पट्टों के क्षेत्र की अधिकतम सीमा के उदारीकरण का भी प्रावधान किया गया। दूसरा, पहला नवीनीकरण करने का अधिकार हमने प्रान्तों को पहले से ही दे रखा था लेकिन दूसरे नवीनीकरण के लिए ये सारी ऐप्लीकेशन्स केन्द्र में आती थीं और उस औपचारिकता में बहुत समय लगता था। अनेक बार तो ऐसा होता था कि लीज का समय ही समाप्त हो जाता था और यहां से उनके रिन्युअल की कार्यवाही होकर नहीं जा पाती थी, अनेक तरह की विसंगतियां पैदा हो जाती थीं। यह अच्छी बात है कि इन विसंगतियों, कुसंगतियों और असंगतिओं को आप समाप्त करने का प्रयास कर रहे हैं। मैं इसका स्वागत करता हूं। लेकिन यहीं पर मैं कुछ बिन्दुओं पर आपका ध्यान आकर्षित करना बहुत जरूरी समझता हूं। पहला, जैसा मेरे कुछ अन्य साथियों ने भी यहां बताया, प्रदेशों की खनिज सम्पदा पर जो रॉयल्टी होती है, उसका अंश उनको मिलता है। यह नियम है और यह व्यवस्था है कि प्रत्येक तीन वर्ष में इसका रिवीजन होना चाहिए, नए रेटस होने चाहिए, रिवाईज़ड होने चाहिए।

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"जहां तक मेरी जानकारी है, पिछला जो रिवीजन हुआ था, वह ११.१०.९४ को हुआ था। ११.१०.१९९४ के बाद आपने रिवीजन नहीं किया। उसके पूर्व के भी ऐसे बहुत से उद्धरण हैं, जब १०-१० वर्ष तक रिवीजन नहीं हुआ और इसमें अन्ततः जो घाटा होता है, जो नुकसान होता है, वह उस प्रदेश की सरकारों को होता है। मैं आपके इस प्रस्ताव से सहमत हूं कि दो चीजों का हमें यहां प्रावधान करना होगा। पहली बात तो यह कि भार के आधार पर हम रायल्टी तय न करें, बल्कि अमुक खनिज के मूल्य के आधार पर हम उसकी रायल्टी का निर्धारण करने की नई पद्धति को अपनायें। ऐसी कमेटी की रिपोर्ट में सिफारिशें भी हैं। एक तो इसको इसमें लाना चाहिए। आप मध्य प्रदेश का ही मामला देखिये।

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"मैं केवलमात्र एक बात को उठा रहा हूं, मैं बहुत जल्दी खत्म करने की कोशिश करूंगा, अभी तो मैंने शुरू ही किया है।

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">सभापति महोदय : थोड़ा जल्दी खत्म करना है। बहुत कम टाइम है।

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">श्री सत्यव्रत चतुर्वेदी : आप थोड़ा सा रिलेक्स करें। महोदया, मैं अपनी बात समाप्त करता हूं।

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">कोयले के मामले में १९९६-९७ में मध्य प्रदेश को ६९४.५९ करोड़ रुपये मिले। १९९७-९८ में ६६४.०९ करोड़ और १९९८-९९ में ६७४.९४ करोड़ रुपये मिले। अगर ये रिवाइज्ड हो गये होते तो १० प्रतिशत भी अगर दर बढ़ी होती तो हमें जो टोटल इनकम होती, वह प्रदेश को केवल कोयले पर १३४ करोड़ रुपये ज्यादा होती। मैं आपको याद दिला दूं कि हमें केवल कोयले पर इतना घाटा हुआ है। इसके अलावा हमारे प्रदेश में चूना पत्थर है, प्रदेश में लोह अयस्क है, प्रदेश में बॉक्साइट है, प्रदेश में लिगनाइट है, प्रदेश में न जाने कितने खनिज हैं, जो खोदे जा रहे हैं, उन सबका अगर हम घाटा जोड़ें तो कम से कम २-३ सौ करोड़ रुपये से ज्यादा का घाटा प्रदेश को हो रहा है। यह क्यों हो रहा है, इस व्यवस्था को थोड़ा सा आप देखें। मैं समझता हूं कि आप एक सक्षम मंत्री हैं और आप समझ सकते हैं कि मैं यह जो बात उठा रहा हूं, यह बड़ी जैन्युइन बात है।

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">दूसरी बात मैं यहां पर आपको यह कहना चाहूंगा कि खनिज पट्टे के हस्तांतरण को भी सरलीकृत किया जा सकता है। आपने इतने उदारीकरण के प्रावधान किये हैं तो खनिज पट्टे के हस्तांतरण के लिए फिर वही बात है कि दिल्ली तक भागिये और दिल्ली में पहले आप परमीशन लीजिए। उसके बाद खनिज पट्टे के हस्तांतरण की बात होगी। जो लीज़ी है, वह खान को डवलप करने के लिए दूसरे आदमी को देना चाहता है। हस्तांतरण नीचे के स्तर पर होना चाहिए, वहां आपके क्षेत्रीय कार्यालय हैं, वे इसको देख सकते हैं, इसको मोनीटर कर सकते हैं।

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">तीसरी चीज, जो मैं उठाना चाहता था, वह है कि खनन पट्टे की अवधि समाप्त होने के बाद बहुत सी जगह पर माइंस जो खोदकर डाल दी गई हैं, आपने प्रावधान तो जरूर किये हैं, एग्रीमेंट में, उन सब का समतलीकरण करेंगे, व्यवस्थित करेंगे, फिर से बनाएंगे, लेकिन ऐसा हो नहीं पाता। नतीजा पर्यावरण पर तो इसका विपरीत प्रभाव पड़ ही रहा है, स्थानीय लोगों को बहुत सारी बाधाओं से आमना-सामना करना पड़ रहा है। इसलिए मेरा इसमें सुझाव है कि आप कृपा करके या तो लिखित में वचन-पत्र लीजिए और उनसे सिक्योरिटी डिपाजिट कराइये, उतना पैसा, जितने में माइन का फिर से समतलीकरण करने के लिए जरूरी होता है, यह प्रावधान आपको जरूर करना चाहिए। वरना ये माइन्स इसी तरह से पड़ी रहेगी।

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">तीसरी चीज मैं इसमें कहना चाहता हूं कि १० हैक्टेयर तक का जो माइनिंग प्लान बनाने का आपने प्रावधान रखा है, ठीक है, जो बड़ी माइंस हैं, उनका माइनिंग प्लान पहले होना चाहिए, उनको एप्रूव होना चाहिए, उनको स्क्रूटनाइज़ होना चाहिए, मैं इस बात से बिल्कुल सहमत हूं। लेकिन छोटे-छोटे से क्षेत्र हैं, पांच से दस हैक्टेयर तक के क्षेत्र हैं, इनको माइनिंग प्लान बनाने से छूट देनी चाहिए। आप स्वयं जानते हैं, अगर आपने कोई माइनिंग प्लान बनवाया होगा या देखा होगा कि कितनी विस्तृत कार्रवाई करनी पड़ती है, उसमें कितना समय लगता है।

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">मैं एक मिनट के अन्दर समाप्त करता हूं। उस बात को आप देख लीजिए। आप पांच से १० हैक्टेयर तक के क्षेत्र को अगर इससे छूट दी जाये, एग्रीमेंट में आप प्रावधान कर लीजिए, जो कुछ भी आपने उसमें शर्तें रखनी हैं, उनसे आप रिटिन अंडरटेकिंग ले लीजिए, वह ठीक है।

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">मैं अंतिम बात कहना चाहता हूं। वन संरक्षण अधिनियम के तहत माइनिंग के बहुत सारे कामों पर रोक लगी है, प्रतिबन्ध लगा है, नियंत्रण किया है, लेकिन यह भी उतना ही सच है कि अधिकांश जो खनिज सम्पदा है, वह वन क्षेत्रों में पाई जाती है। इसकी वर्तमान में जो प्रक्रिया है, वह बहुत जटिल प्रक्रिया है। कृपा करके उसे सरलीकृत करने के लिए आप वन और पर्यावरण विभाग से सम्पर्क कर लें। वे और आप बैठकर विचार कर लें, गोष्ठी कर लें, कोई रास्ता निकालें, सरलीकृत हो, ऐसा हो कि जिसका अनुचित लाभ लोग न उठा पायें, लेकिन जहां वास्तविक और जैन्युइन केसेज़ हैं, वहां उनको सहज रूप से इस प्रक्रिया में उलझना न पड़े।

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">अंतिम बात, बाक्साइट मध्य प्रदेश में बहुत बड़ी मात्रा में उपलब्ध है। १०-१०, १५-१५ सालों से बाक्साइट के क्षेत्र हजारों एकड़ में माइनिंग कार्पोरेशन ने रिजर्व करके रखे हुए हैं। दूसरे प्रदेशों में भी यही हालत है। ९० प्रतिशत क्षेत्र माइनिंग कार्पोरेशन ने रिजर्व किए हुए हैं। ये लोग काम नहीं कर रहे हैं और क्षेत्र खाली पड़े हुए हैं। न खुद काम कर रहे हैं और न काम करने दे रहे हैं। यह शर्तों का उल्लंघन है। भारत सरकार की अनुमति के बिना ये ऐसा काम नहीं कर सकते हैं, लेकिन कर रहे हैं और काम वैसे ही चल रहा है। मेरा निवेदन है कि सरकार इस स्थिति के बारे में पता लगाए कि किन प्रदेशों में ऐसी स्थिति है। मेरा जानकारी के अनुसार माइनिंग कार्पोरेशन घाटे में चल रहे हैं। इनको करोड़ो रुपयों का घाटा है और अपने अधिकारियों के तनख्वाहें भी नहीं दे पा रहे हैं। मेरा सरकार से निवेदन है कि वह इन क्षेत्रों को मुक्त कराए, उदारीकरण की प्रक्रिया में कन्जरवेटिन प्रोवीजन रखने का औचित्य नहीं है।

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">इन शब्दों के साथ आपने मुझे बोलने के लिए समय दिया, इसके लिए मैं आपको धन्यवाद देता हूं।

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SHRI AJOY CHAKRABORTY (BASIRHAT): Madam Chairperson, I shall be very brief. Yesterday, several Members pointed out different aspects of this Bill. So, I do not want to waste the valuable time of the House.

">Madam, the Mines and Minerals (Regulation and Development) Amendment Bill has got some objectives and reasons. One of the vital objectives of this Bill is to prevent illegal mining. I am sorry to say that incidents of illegal mining are going on increasing day-by-day. Rampant cases of illegal mining are increasing everyday. For example, I can say in this House that throughout the banks of the river side of my area, brick trade or brick manufacturing factories are increasing everyday. In and around the city of Calcutta, big multi-storeyed buildings are being erected due to which the villagers are paying penalty. These brick manufacturing structures are situated

throughout the river banks and brick manufacturing business is carried out without any quarry permit, or sanction or licence or lease of the Government. They are not paying any royalty to the Government. They are doing this mischievous work with the connivance of a section of the Government employees who are working in the Land Reforms Department and police personnel. It is not only this. This brick manufacturing business is polluting the environment. These factories are causing pollution and because they are situated in the village areas, green trees are destroyed and paddy fields are damaged by these brick manufacturing factories. It is not only that. They are engaging child labour violating the Child Labour Act. They are engaging people coming from Bangladesh with minimum wages. They are also creating many hazards affecting the health of the villagers.

">Yesterday, some Members apprehended that there will be a possibility of usurping the rights and functions of the State Governments by this Bill. I draw the attention of the House as well as the hon. Minister to see that the land belongs to the State Government as also the powers to dig the underground earth. So, we should not pass such a Bill which will usurp the functions and rights of the State Governments. We should seriously look into the matter. I again urge upon the Government and the concerned hon. Minister on this point. Everyday, we are passing so many laws and regulations with some cogent reasons and good objectives.

">But those laws are being frustrated by the Implementing Authority. The persons who are to look after and who are vested with the power to implement the laws are not doing their job well. Due to their acts of omissions and commissions, the intentions of the laws are being frustrated. So, I urge upon the Government that the Government should take care to see that the laws are strictly and properly implemented by the Implementing Authority. Otherwise, everything will be spoiled and the law will be frustrated.

">With these words, I conclude.

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श्रीमती आभा महतो (जमशेदपुर) : माननीय सभापति महोदया, मैं मंत्री जी द्वारा लाए गए खान और खनिज (विनियमन और विकास) संशोधन विधेयक, १९९९ का समर्थन करती हूं और साथ ही अपने क्षेत्र में स्थित खनिज से संबंधित कुछ विशेष बातें रखना चाहती हूं। हिन्दुस्तान कॉपर लिमिटेड की एक इकाई इंडियन कॉपर काम्पलेक्स घाटशिला वनांचल क्षेत्र एक महत्वपूर्ण सार्वजनिक प्रतिष्ठान है जहां तीन लाख की आदिवासी एवं पिछड़ी जातियों की आबादी है।

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">आई.सी.सी. के अन्तर्गत मुख्य खदानें सुरदा, पाथरगोड़ा, केन्दाडीह तथा राखा है। इन खदानों से तांबे के अलावा अनेक बहुमूल्य धातुओं का भी उत्पादन होता है जैसे सोना, चांदी, सेलेनियम, टेलुरियम, सलफ्यूरिक एसिड इत्यादि। वर्ष १९७२ में आई.सी.सी. का राष्ट्रीयकरण हुआ तथा खेतरी मलाझखंड एवं तलोजा इकाइयों की स्थापना की गई किन्तु आई.सी.सी. को पूरी तरह से अनदेखा किया गया। इसके विकास तथा विस्तारीकरण पर कोई ध्यान नहीं दिया गया, जिसके फलस्वरूप एक-एक कर समूचे खदानों को बंद किया जा रहा है। वर्ष १९९७ में हिन्दुस्तान कॉपर लिमिटेड प्रबन्धन ने अधिक उत्पादन लागत का बहाना बना कर आई.सी.सी. की बानालोपा एवं बादिया दो खदानों को बंद कर दिया गया, जिसके तीन हजार मजदूरों ने स्वेच्छा सेवा निवृत्ति ली। पुनः प्रबन्धन ने दो अन्य खदानों पाथरगोड़ा एवं केन्दाडीह को बंद करने के लिए भारत सरकार के श्रम मंत्रालय से अनुमति मांगी है जिससे १०९९ मजदूर बेकार होंगे। प्रबन्धन ने एक बार फिर अधिक उत्पादन लागत को ही प्रमुख कारण बताया है।

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">हिन्दुस्तान कॉपर लिमिटेड प्रबन्धन ने खदानों की बंदी का आधार राजा चलैया कमीशन की रिपोर्ट को बताया है जबकि सच्चाई यह है कि प्रबन्धन ने आंशिक रूप से इस कमीशन के सुझावों को माना है। जिसमें स्पष्ट रूप से यह सुझाव दिया गया है कि अगर फिजूलखर्च पर नियंत्रण रखा जाए तथा उत्पादन लागत को कम किया जाए तो एक-दो वर्षों में आर्थिक तंगी से हिन्दुस्तान कॉपर लिमिटेड उबर सकता है।

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हमारा देश मिश्रित अर्थव्यवस्था वाला देश है। यहां पर लंदन मेटल एक्सचेंज को आधार मान कर खदानों को बंद नहीं किया जाना चाहिए। आज जब कि लंदन मेटल एक्सचेंज १७५० डालर प्रति टन है तथा यह निरंतर बढ़ रहा है, ऐसे में खदानों का बंद किया जाना उचित नहीं होगा। हिन्दुस्तान कॉपर लिमिटेड प्रबंधन ने इन खदानों की संभावित बंदी को रोकने का कोई ठोस उपाय नहीं किया है। मेरे विचार से यदि इंडियन कॉपर काम्पलेक्स के खदानों में उत्पादन-उत्पादकता बढ़ाई जाए, तांबे के ग्रेड में सुधार लाया जाए, उत्खनन कार्य पूरी क्षमता से किया जाए, अप्रत्यक्ष श्रमशक्ति के प्रतिशत को घटाया जाए, ओवर हेड लागत कम की जाए, उत्पादन लागत को कम किया जाए तथा अनावश्यक खर्च में कटौती की जाए तो उस परिस्थिति में आई.सी.सी. को आर्थिक रूप से सक्षम बनाया जा सकता है तथा संभावित बंदी से टाला जा सकता है।

इसके अलावा मैं बिहार के पूर्वी सिंहभूम जिले के जादुगोड़ा क्षेत्र में यूरेनियम कारपोरेशन ऑफ इंडिया लिमिटेड प्रतिष्ठान की ओर आपका ध्यान आकृष्ट करना चाहती हूं, जहां पिछले ३०-३५ साल से यूरेनियम खोदा जा रहा है। पिछले ६-७ साल से स्थानीय आदिवासी यूसील प्रबंधन की लापरवाही और जबरन जमीन हथियाने के कारण आंदोलन करते रहे हैं। हालांकि जादुगोड़ा के स्थानीय और आदिवासी लोग समुचित पुनर्वास और मुआवजे की लड़ाई लड़ रहे हैं परंतु सालों से खुले में रखे यूरेनियम अयस्क से उन पर जो असर हुए हैं और जो आने वाले समय में होंगे उनकी भरपाई कौन करेगा? दुर्भाग्यवश यूसील प्रबंधन इस खुलेआम रखे रेडियोधर्मी अयस्क को खतरनाक मानता ही नहीं है।

16.00 hrs.

खुले में होने के कारण वह हवा व पानी के जरिये सालों से आस-पास के इलाकों को प्रदूषित कर रहा है। बरसात में खेतों से होता हुआ यह रेडियोधर्मी अयस्क एक नाले के जरिये स्वर्णरेखा नदी में मिलता है। जाहिर है कि इस इलाके के तमाम खेतों व नदियों में रेडियोधर्मिता बढ़ रही है। खदानों के आस-पास के गांवों में टी.बी. आम होती जा रही है। फेफड़ों के कैंसर के मरीजों की संख्या बढ़ रही है व बच्चे अपंग और मानसिक रूप से विकलांग पैदा हो रहे हैं। स्थानीय मवेशियों में भी जो रेडियोधर्मी खेतों की घास खाते हैं, इसके दुष्परिणाम दिखने लगे हैं।

परमाणु ऊर्जा कानून के अनुसार यूरेनियम अयस्क का संग्रहण बेहद सुरक्षित ढंग से किया जाना चाहिए। लेकिन जादुगोड़ा में यूरेनियम अयस्क के प्राथमिक शोधन के बाद बचा हुआ अयस्क जहां एकत्रित किया जाता है जिसे टेलिंग पोंड कहते हैं, वहां पर कभी बच्चे खेलते हैं तो कभी चरवाहे मवेशी चराते हैं। नियमतः टेलिंग पोंड पर कम से कम एक फुट पानी होना चाहिए, पर जादुगोड़ा में पोंड से अयस्क की धूल उड़ती हुई कभी भी देखी जा सकती है। अतः सरकार से हमारी मांग है कि उसमें जल्द से जल्द सुधार लाया जाये ताकि रेडियोधर्मिता को रोका जा सके।

SHRI AMAR ROY PRADHAN (COOCHBEHAR): Madam Chairperson, I rise not to oppose the Bill, but I am sorry to say that I cannot support the Bill wholeheartedly. I have gone through the Statement of Objects and Reasons and found that it is confusing. The land belongs to the State and according to what has been stated there, it seems to me that it will create a confusion with regard to delegation of powers. Of course, I welcome the Minister"s initiative to prevent illegal mining and also to stop corruption. There is a Bengali proverb which says: "Sarsher Madhye Bhoot" which means, `one does not know whether the ghost will be in the corn or not". If

that is so, it is very much difficult to stop corruption.

">In this connection, I would like to draw the attention of the hon. Minister, through you, that when his father was the Steel and Mines Minister in 1977, in reply to my question at that time, he said that there is a huge deposit of copper in Sikkim and in the Darjeeling district of West Bengal. I asked him as to why the Government is not taking up mining in those areas and he said that our science and technology has not developed much so as to segregate the ore from copper. I do not know whether our science and technology has developed now in the past 22 years so as to segregate copper from other materials. I do not know whether the non-development of technology is preventing us from taking up mining or some lobby is standing in the way of exploring the possibilities of segregating copper from other materials. It is very sad to see that our technology has not yet been developed to undertake this work in all these years when science and technology has developed so much in other places.

">With regard to corruption, I have got so many papers with me and I shall write to the Minister. So, I do not want to refer to all of them here.

">I would like to cite here only one instance. It relates to his State. I think, it is NALCO, Bhubaneswar and very well known to him. It is under the Department of Mines also.

">Regarding the dust suppression power plant, he had invited tenders. These were opened in Angul. The participants were BHEL, Andrew-Yule, ABB and I should not say anything about BHEL. Shri Sontosh Mohan Dev is there. He also dealt with BHEL earlier. We are proud of BHEL. It is one of the `Navratnas". Then, why have BHEL or ABB not got the tender? That is my question to him. At this moment, I request the hon. Minister to please go through it and try to save this public sector undertaking. Do not go to private companies. Do not go to the multinationals. When firms like BHEL are available in our country - we are proud of BHEL being one of the `Navratnas" - why would they not get the tender? Why should the other organisation - Andrew-Yule - not get the tender? Why would they not get all these things? That is my question. I would like to place it before the hon. Minister. I hope that he will go through it and ultimately BHEL or Andrew-Yule will get the tender.

SHRI A.K.S. VIJAYAN (NAGAPATTINAM): Hon"ble Chairperson, I thank you for giving me this opportunity. I foundly recall our leader KKalaignar, cherished as their own leader by all the Tamils world-over. He is also ensuring a clean and transparent Govenment in Tamil Nadu and I take this opportunity to thank him alongwith the electorate of my Nagappattinam costituency who have enabled me to be a member of this august House. Let me continue with my maiden speech in this House.

">As far as this Bill that has been introduced in this House, our party Dravida Munnetra Kazhagam welcomes and extends its wholehearted support to this motion. The salient feature of this Bill is that it provides for more powers to the States in the mining sector. It is commendable. This translates into action the cherished dream of our great leaderAnna who advocated federalism at the Centre and autonomy to the States. The National Decocratic Alliance"s coalitation government at the Centre devolves more power to the States as it firmly believes in ensuring federalism and we welcome this move.

">In the mining sector, as far as Tamil Nadu is concerned, those who resorted to loot and corruption are facing corruption charges in the trial courts on a daily basis now.

">In the earlier regime there was enormus corruption. Jayalalitha and her accomplice Sasikala are facing trial almost everyday charged with corruption.**....(Interruptions)

">The Mines & Minerals Department of Tamil Nadu had witnessed corruption on a large scale. Shri Dhyaneswaran, an IAS Officer, was there. One of the officials of that Department facing charges before the Court was said to be carrying everyday several cases of currency to the then Chief Minister of Tamil Nadu and no one can deny that such charges are tried by the Courts now.(Interruptions).

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">* Translation of the peech originally delivered in Tamil.

">** Expunged as ordered by the Chair.

">Such corrupt people used such money to even topple a Governmnt at the Centre. Such of those politicians and officials who have been charged by the Courts are facing trial before Special Courts on a day to day basis.(Interruptions)

">SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): I do not know why he wants to bring out all these things. ... (Interruptions) This is completely unethical. ... (Interruptions) This is completely wrong and unacceptable. ... (Interruptions) This is not fair. ... (Interruptions) No, Madam; please remove it from the records. ... (Interruptions)

">SHRI T.M. SELVAGANPATHI (SALEM): The matter is totally irrelevant. ... (Interruptions) You should not allow it. ... (Interruptions) He goes on with an irrelevant matter. ... (Interruptions)

">MR. CHAIRMAN (SHRIMATI MARGARET ALVA): He has finished.

">... (Interruptions)

">MR. CHAIRMAN: Just a minute please. If there is anything objectionable or unparliamentary in what he has said, it will be looked at later and it will be removed. Please do not raise a controversy.

">SHRI T.M. SELVAGANPATHI : Madam, the hon. Member"s speech is highly motivated knowing full well that this has no relevance at all to the Bill about which he wanted to speak.

">This has no relevance at all to this issue... (Interruptions)

">MR. CHAIRMAN : You cannot decide what is relevant or what is not.

">... (Interruptions)

">MR. CHAIRMAN: Please sit down. You cannot dictate what a Member should say. If there is something unparliamentary or objectionable, we will remove it.

">... (Interruptions)

">MR. CHAIRMAN: The speech is over. Please take your seat.

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : Madam, we want a ruling from the Chair... (Interruptions) He has spoken about a person who is not in the House... MR. CHAIRMAN : Please listen to me. The Member has said something. We will go through the record and if there is anything unparliamentary or objectionable, it will be removed. I cannot remove something just now.

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : Madam, my respectable submission is that this is the manner in which they behave in this House; he spoke for three minutes on the Bill. That shows their concern about the nation, that shows their callous attitude towards the Bill, which is a very important Bill ... (Interruptions)

">MR. CHAIRMAN: I am sorry, this was his maiden speech. Please do not disturb.

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : Madam, he accused somebody who is not in the House. This should be condemned. This should be prevented in future.

">MR. CHAIRMAN: All right.

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Shri Ramdas Atawale: Chairman Sir, Mines and Minerals (Regulation and Development) Amendment Bill

">१९५७ के बिल में संशोधन कराने के लिये

">Government

">बिल लाई है। इस बिल में राज्य को ज्यादा अधिकार दिये जाने का प्रस्ताव किया गया है।इसमें इल्लीगल काम पर पाबंदी लगाने के लिये कुछ मुद्दे उठाये गये हैं। जब जब किसी बिल में अमेंडमेंट होता है, तब तब कानून बनता रहता है और जो अधिकारी होते हैं, उन्हें अधिक करप्शन करने का मौका मिलता है। यदि इस मुद्दे को लेकर सरकार अमेंडमेंट करना चाहती है तो सरकार को इस पर गंभीरता से सोचना चाहिये। खनन कार्य में कोई गैर-कानूनी काम नहीं होता लेकिन खनिज के ट्रांसपोर्टेशन में जगह जगह करप्शन होता है। जहां करप्शन होता है, आफिसर्स की मिलीभगत से खनिज बाहर निकाला जाता है। सरकार के पास कोई रिकार्ड नहीं रहता है। इसलिये इस कानून को बदलने का आवश्यकता है।

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">दूसरी बात यह है कि राज्यों को रायल्टी दी जाती है जो वेट पर न देकर कीमतों पर राज्य सरकारों को देने की आवश्यकता है। इस संबंध में कमेटी की जो रिपोर्ट आई है, उस पर मंत्री जी को गंभीरता से सोचने की आवश्यकता है। उक्त कमेटी रिपोर्ट में कौन कौन से मुद्दे आये हैं, उस पर मंत्री जी को जवाब देते समय बतलाना चाहिये। हम इस बिल को अपोज़ नहीं करना चाहते लेकिन सपोर्ट करने की भी इच्छा नहीं है। मेरा सुझाव है कि इसमें सुधार किये जाने के लिये सरकार को गंभीरता से विचार करना चाहिये। हमारे मंत्री श्री नवीन पटनायक हैं, यह नवीन विधेयक लाये हैं, इसलिये अच्छा सा अमेंडमेंट करने की आवश्यकता है।

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श्री भेरूलाल मीणा (सलूम्बर) : सभापति महोदया, सरकार खान और खनिज संशोधन विधेयक
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">लाई है, उसे मेरे क्षेत्र के जो खनन क्रियायें हैं, उसमें लाना चाहेगी। वैसे मेरे क्षेत्र में ज़िंक, लीड, साफ्टस्टोन, फासफेट आदि का खनन किया जाता है।

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">समय कम है, इसलिए मार्बल के संबंध में कुछ कहूंगा। मेरे क्षेत्र में छोटे-छोटे मालिकों ने खनन किया है और अब उदारीकरण होने से वह मार्बल विदेशों में जाता है। जिसके पास पैसा होगा, वही विदेशों में मार्बल भेजेगा। उसके साथ ही जो ज्यादा पैसे वाला है, वही मशीनरी से खनन करेगा। मेरी चिन्ता है कि उस क्षेत्र में कम से कम एक लाख श्रमिक मार्बल की खानों में काम करते हैं। इधर सरकार ने पाबंदी लगा रखी है कि पर्यावरण खराब कर रहे हैं इसलिए उन्होंने कुछ फार्मूला तय कर रखा है कि इसकी पूर्ति करोगे तो खनन कर पाओगे। उनको एक एक साल बाद रेन्यू कराने के लिए कहा जाता है। जिसके पास पैसा है, वह रेन्यू करा लेता है और काम करा लेता है। जिसके पास पैसा नहीं है उसकी खान बंद हो जाती है। इससे साबित होता है कि जो साधारण खनन करने वाला है, उसका धंधा भी बंद हो रहा है और श्रमिकों को भी बेरोज़गार बनाया जा रहा है। मेरा सुझाव है कि छोटे खनन करने वालों को इतना पाबंद नहीं किया जाए जिससे उनकी खान बंद हो जाए। पर्यावरण की खातिर उनको बंद किया जाता है। मेरा निवेदन है कि उनको अच्छा लीज़ एरिया दिया जाए और उसमें वह पेड़ लगाएं और उसकी पाबंदी की जाए कि इस एरिया में पेड़ लगाने हैं ताकि पर्यावरण भी खराब न हो, खान भी बंद न हों और मज़दूर बेघर न हों। मेरे क्षेत्र में कोई उद्योग धंधा नहीं है, न कोई ऐसी चीज़ वहां पर पैदा होती है, वह पहाड़ी इलाका है।

उसमें केवलमात्र खनन से ही मज़दूर अपना गुज़ारा करते हैं। मालिक कहते हैं कि हमारी खान बंद होने वाली है और मैं तो खान बंद कर रहा हूं तो मज़दूर १५-२० रुपये तक में गुज़ारा करने के लिए मजबूर हो जाते हैं। ऐसे उनका शोषण होता है। सरकार की तरफ से स्पष्ट होना चाहिए कि उनको कम से कम पर्यावरण के नाम से परेशान न करें ताकि वह खनन कर पाएं और मजदूरों को बराबर मज़दूरी मिल जाए।

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"हमारे क्षेत्र में हिन्दुस्तान ज़िंक भी है, आर.एस.एम. है और कई तरह की खानें हैं लेकिन मैंने सोप स्टोन और मार्बल के लिए जो सुझाव दिये हैं, उस पर मंत्री जी अमल करें और छोटे मालिकों को परेशान न करें, मज़दूरों को बेकार न करें। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करत आपको धन्यवाद देता हूं।

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">SHRI SURESH RAMRAO JADHAV (PARBHANI): Madam, kindly allow me to speak.

">MR. CHAIRMAN : Your name is not in the list which has come to me. Now you are sending the name when we have already exhausted the time.

">श्री सुरेश रामराव जाधव (परभनी) : शिवसेना पार्टी से किसी ने नाम नहीं दिया।

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">सभापति महोदय : ठीक है, आप बोलिये।

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श्री सुरेश रामराव जाधव (परभनी) : सभापति महोदया, यह जो माइन्स एंड मिनिरल्स अमेंडमेंट बिल पेश किया गया है, मैं भी अपने विचार इस पर रखना चाहता हूं। खान पट्टा हस्तांतरण के बारे में चर्चा हुई, इल्लीगल माइन्स के बारे में चर्चा हुई। इस उद्योग में जो करप्शन है, उसको कैसे रोका जाना चाहिए, उस बारे में चर्चा हुई। इस उद्योग का सबसे बड़ा केन्द्रबिन्दु यह है कि जो खान कामगार है, उसके बारे में इस बिल में कोई प्रावधान नहीं है। इस उद्योग का वर्कर जो काम करने वाला है, दिन भर, रात भर काम करता है, उसके भविष्य का क्या होगा? अगर उसका ऐक्सीडेण्ट होता है, उसके लिए भी इस बिल में प्रावधान की ज़रूरत है या नहीं, यह अमेण्डमेंट बिल के माध्यम से सोचने की ज़रूरत है। जो खान की ज़मीन है, उसका जो मूल्य निर्धारण होता है, जब ज़मीन हस्तांतरित होती है, ज़मीन का मूल्य निर्धारण मार्केट रेट से होना ज़रूरी है और आखिर में एक बात कहकर मैं अपनी बात समाप्त करूंगा।

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">खान में काम करने वाले कामगारों या वर्करों की क्या स्थिति है। खासकर महाराष्ट्र में कोयला खानों में काम करने वाले कामगारों की स्थिति इतनी अच्छी नहीं है। उन खान वर्कर्स के बारे में कोई अच्छा प्रावधान इस बिल के माध्यम से आना चाहिए था। लेकिन वह इसमें नहीं है। मैं आपको एक खान वर्कर की कहानी बताता हूं। खान वर्कर पूरा दिन कोयला खान में काम करता है, जब वह घर जाता है तो उसके साथ उसके सगे जाते हैं। जब वह घर पहुंचता है और अपनी पत्नी से बोलता है कि चाय बनाओ, तब पत्नी बोलती है कि पत्ती और शक्कर है लेकिन कोयला घर में नहीं है। यह हमारे यहां खान में काम करने वालों की स्थिति है। इसलिए उनकी आर्थिक स्थिति के बारे में भी विचार होना चाहिए। यही मैं आपकी माध्यम से माननीय मंत्री जी के ध्यान में लाना चाहता हूं। इतना कहकर मैं अपनी बात समाप्त करता हूं। धन्य वाद।

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SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): I will just raise only one legal point. Madam, actually the Constitution gives the powers..

">MR. CHAIRMAN : We cannot have this debate go on till six o" clock. We have a lot of business before us. Names are being added from the floor now. It is not an open-edged debate that you can just go on and on and on. We must stop somewhere.

">डॉ.रामकृष्ण कुसमरिया (दमोह) : सभापति महोदय, मैं उस क्षेत्र से आता हूं जहां हीरे निकलते हैं।

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">MR. CHAIRMAN: It is up to you all. You sit and conclude the business of the day. You take only two minutes.
1622 hours

SHRI E.M. SUDARSANA NATCHIAPPAN : Madam, actually the Constitution of India has given the powers to the Central Government under List I for regulation of mines and minerals development to the extent to which such regulation and development under the control of the Union is declared by Parliament by laws to be expedited in the public interest. Therefore, the main reason is only for regulation of mines and then only there will be development. But clause 3 actually wants to put the cart before the horse. They want to put first the development and then regulation. That power is not given in the List I, List II and in the State List also.

In the Statement of Objects and Reasons also, there is no reason given why there is topsy-turvy, why the development comes earlier and regulation comes latter. Regulation is only relating to the power because it is a natural asset; it is a gift given by the nature to the country. The Americans and Western countries are not utilizing the mines but they are exploiting the mines of Asian countries. That is why, the framers of the Constitution have made it that we should regulate and then develop it. Now you want to develop it and then regulate it. That is a topsy-turvy work which is against the Constitutional powers also. If anything happens before the court, this may be set aside as it is unconstitutional because the powers are not given in both the Lists. That is my main objection.

My second submission is regarding my constituency. There is a graphite mine. As it is, the Central Government has not got the power

to regulate the mines but for the 30 years, graphite has been taken up and nothing has been developed. The Government was taking up all these graphites, spending money but nothing is coming up. Such things should be looked into by the Ministry so that development can be brought properly.

MR. CHAIRMAN: You said you had only one point to make. You have completed two and you are going for the third.

SHRI E.M. SUDARSANA NATCHIAPPAN : I have one more point to make. Now there is a three-tier system. Under article 243G of the Constitution of India, you are devolving the powers and authority to the State. When you are gracefully giving the powers to the States, the States should give them to the Panchayats also. Panchayats are managing the property. They are looking after the property. They are developing the property but nothing is going to them. All the royalties, reigniorage, fee and dead rent charges, everything goes only to the State Government. Nothing is going to the Panchayats. Therefore, when the Central Government is making laws, the three-tier system of the Constitutional amendment should also be taken into consideration and Panchayats should be given the power to look into it, develop it and the taxes should be shared with them because the amendment is not giving any tax benefits under the three-tier system. Therefore, the Panchayats should also get the powers.

... (Interruptions)

सभापति महोदय : आपका नाम पहले बोला था, लेकिन आप हाउस में नहीं थे। इसलिए श्रीमती आभा महतो को बोलने का अवसर दिया गया।

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डॉ.रामकृष्ण कुसमरिया (दमोह) : सभापति महोदया, मुझे समय देने के लिए मैं आपका आभारी हूं। मैं जिस क्षेत्र से आया हूं वह बुंदेलखंड का पन्ना जिला है जहां पर हीरे की खदानें हैं और हीरे निकलते हैं। वन अधिनियम के कारण हीरे निकालने हेतु खदानें बन्द कर दी गई हैं। उसके अलावा राजस्व की बहुत सी भूमि पड़ी हुई है, लेकिन वहां वन विभाग काम नहीं करता है और जो बहुमूल्य खनिज निकालने की कीमती भूमि है उसमें हीरे निकालने की अनुमति नहीं दी जाती है। अतः मेरी मांग है कि वन अधिनियम को शिथिल करते हुए वहां हीरे निकालने हेतु खनन की अनुमति दी जाए।

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">सभापति महोदया, मैं दूसरी बात यह कहना चाहता हूं कि हीरे की खदानों के अलावा वहां पत्थर की भी खदानें हैं। वहां मजदूरी के अलावा कोई दूसरा काम नहीं है। खदानें बन्द होने के कारण वहां के लगभग ८० हजार मजदूर वन अधिनियम के तहत खदानों पर रोक लगने के कारण बेकार हो गए हैं। मेरा निवेदन है कि खानों पर से रोक हटाई जाए जिससे हीरे निकालने की प्रक्रिया प्रारंभ हो सके और इससे बेकारी भी दूर हो जाएगी। जो खाली भूमि बेकार पड़ी है उसके ऊपर प्लांटेशन का कार्य किया जाए।

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">सभापति महोदया, मैं तीसरी बात यह कहना चाहता हूं कि बाक्साइट और ग्रेनाइट की भी स्थिति ठीक नहीं है। जैसे सीमेंट को आपने अनुसूची से निकाल दिया है, उसी प्रकार से ग्रेनाइट और बाक्साइट को भी अनुसूची से निकाल दीजिए ताकि ये उद्योग ज्यादा से ज्यादा चल सकें।

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">सभापति महोदया, चौथी बात यह है कि हमारे मध्य प्रदेश राज्य में दमोह, नरसिंहगढ़ में डायमंड सीमेंट की फैक्ट्री है। फैक्ट्री वाले सीमेंट बनाने के लिए जहां से पत्थर निकालते हैं वहां बहुत गहरे गड्ढे बन गए हैं जिसके कारण उनमें बर्सात के दिनों में पानी भर जाता है और पानी का प्रवाह इतना तेज हो जाता है कि उसके कारण गांव के बह जाने का खतरा उत्पन्न हो जाता है। इसलिए मेरा आग्रह है कि सीमेंट कंपनी इन गड्ढों को को भरकर समतल करने का काम करे। ऐसा कानूनी प्रावधान होना आवश्यक है।

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">सभापति महोदया, इन्हीं शब्दों के साथ, मैं आपका आभार व्यक्त करता हूं और इस बिल का समर्थन करता हूं। धन्यवाद।

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THE MINISTER OF MINES AND MINERALS (SHRI NAVEEN PATNAIK): Madam Chairperson, I have been listening carefully to the valuable suggestions made by the hon. Members regarding the amendments proposed to the Mines and Minerals (Regulation and Development) Act, 1957. I have also noted the apprehensions of several Members and I will deal with those in my statement which I am now giving.

">As the hon. Members are aware, the Act lays down the legal framework for development of minerals that our country is richly endowed with. For a very brief and recent history of the M.M.R.D. Act, we first should go to the beginning of liberalisation, which began almost a decade ago, in 1991 to be exact. In 1993, a National Mineral Policy was evolved which wished to bring in more powers to the States and also to open certain minerals for the private sector. Taking this into account, the Mines and Minerals (Regulation and Development) Act was amended in 1994. Later, in 1996, under the Chairmanship of the then Minister of Mines, a Conference was held with all the relevant State Ministers and State Secretaries of Mines and Geology to formulate further liberal measures in the mining sector.

">In 1997, the then Secretary of the Department of Mines was made Chairman of a Committee to look into further liberalization in the mining sector and also giving even more power to the States. Today those suggestions from that Committee have come as the present proposed Amendments to the Act.

">This Bill wishes to categorise, as is done according to international standards, the reconnaissance permits, the prospecting licences and mining leases according to the appropriate category. The proposed amendments to this Act formally deal with it.

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">The first renewal is presently approved by the State Governments. Now all renewals will be done by State Governments.

">Now I come to ...

">SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Hon. Minister, may I ask a question?

">Parliament passed in December, 1996 the Extension of the Panchayats to the Scheduled Areas Act. That contains a number of provisions relating to mining with respect to Fifth Schedule areas. In the recitation that the hon. Minister has given, there has been no reference to that Act passed by the Parliament. I just seek an assurance from the hon. Minister that in implementing these delegated powers to the States, it will be ensured by the Central Government that the States will observe the provisions of the Extension of Panchayats to the Scheduled Areas Act, 1996. Thank you.

">SHRI NAVEEN PATNAIK: Madam, if the hon. Member, Shri Mani Shankar Aiyar permits, I could come to the point that he made later.

">Now, as far as the laws regarding curbing of illegal mining is concerned, new provisions to the law are being made to strengthen the laws against illegally mined minerals being transported. Also, the confiscation of equipment which is used for illegal mining and the seizure of illegally mined minerals which were stored are there.

">I would like now to come to some of the points made by the hon. Members.

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">SHRI NAVEEN PATNAIK : Yes. I will come to that.

">Hon. Members need not be needlessly exercised that the Bill favours multinational companies. I want to clarify that the Bill is neutral with regard to Indian companies and subsidiaries of multinational companies. As the Members are aware, we need capital as well as state of the art technology for exploration of minerals.

">Also, I want to point out here that in 1998, our nation''s equivalent cost of exploration of minerals was to the tune of around $ 10 million. In the same year 1998, exploration of minerals all over the world was to the tune of something like $ 4,000 million. So, I just want to say that some of the new amendments are to make an investor-friendly environment so that more investment is made in our country. Of course, with that, more of our people will get jobs etc.

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">I also want to clarify, for the first hon. Member who spoke, that the last amendment to the Act was done in 1994 and not 40 years back. As far as environment protection is concerned, no mining can take place without the approval of the Mining Plan which should effectively takes care of environment. Moreover, for all mining leases above five hectares, approval of the Ministry of Environment and Forests is required. Similarly, for all prospecting cases above 500 hectares, environment clearance from the Ministry of Environment and Forests is required. Hence, environment aspects are taken care of under the present scheme of mining.

">Now, I come to another point. As per section 2 of the Forest (Conservation) Act, 1980, no mining can take place in forest areas. Under section 4A(4) of the Act, if a mine is in disuse for more than two years, the lease shall lapse.

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">State mining officers and police can seize the vehicle involved in transportation of illegally mined minerals. Detailed rules can be notified by the States in this regard. Scientific and systematic mining is ensured by the Mining Plan which is approved. I would like to assure the hon. Members that this is a very progressive legislation.

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">Uniform rates and royalty are required for uniformity throughout the country. Hence for major minerals, only the Central Government is empowered to revise the royalty. For minor minerals like stone, sand, etc., which are low value, State specific minerals, States have the power to revise the royalty.

">I would also like to emphasise that this is not a colourable legislation, but a very progressive legislation. Under Entry 54 of the Union List, the Act has been promulgated and is being amended.

">After adequate consideration by the Government, limestone is being deleted to delegate more powers to State Governments, and Members should not be apprehensive on this account.

">Granite is a minor mineral and the Central Government is not concerned with the grant of mining lease for granite. It comes under the State Governments.

">The Tandon Committee has not recommended ad valorem fixation of royalty on all minerals. In case of low value minerals involving large numbers of leases, introducing ad valorem system is not practicable. In case of 17 categories of minerals, out of 66, ad valorem system is already being followed.

">One hon. Member asked about bauxite, and I would like to clarify this to him. Bauxite needs to be retained in the First Schedule of the Act because of the following reasons.

">Some of the major players in aluminium sector like NALCO, BALCO, are public sector undertakings of the Government of India and, therefore, the Central Government should continue to have a decisive say in the grant, renewal, of these licences. Many multinational joint ventures and private companies are likely to enter the aluminium sector either to meet the domestic requirement or for export purposes. Some of them are framing proposals for setting up port-based export oriented alumina plants. It will not be always possible to have the source of bauxite and port-based export oriented units located in the same State, and hence delegation of powers to States for grant of mining leases may be counter-productive. India has one of the largest deposits of bauxite and a national level planning and decision is required for the best mineral development of bauxite. Bauxite and aluminium industry has a vital role to play in the national economy, and hence there is a need to retain the powers of grant of prospecting licences and mining leases by the Government of India in the wider national interest.

">The distribution of resources of bauxite are lopsided and mostly concentrated in three or four States, for example, Orissa, Andhra Pradesh, Gujarat and Madhya Pradesh. Such an unequal distribution of resources necessitates centralised decision-making and overall strategy of development and exploitation of bauxite, basically to be guided by long-term national goals and perspectives.

">Resources of refractory grade bauxite suitable for manufacturing high alumina refractories is relatively limited. This being finite, best use and judicious exploitation of this grade of bauxite is all the more important.

">Madam, if you could be patient with me for a few minutes, I shall complete my submission. I would just like to clarify a few more points that have been made by the hon. Members. The royalty of minerals is collected and retained by the State Governments. I have already spoken about the deletion of bauxite. I have also stated that the royalty enhancement period is a minimum three years. Transfer of lease is permitted under rule 37 of MCR, 1960. The power to permit the transfer is also being delegated to the States. Rules would be amended accordingly.

">Sir, earth is a minor mineral. Grant of quarry licence, regulation etc. of brick earth is totally under the purview of the State Governments. For the point raised by Shri Mani Shankar Aiyar, I would like to state that the amendment proposed will have nothing to do with the Act formulated in persuance of 1996 Constitution amendment relating to local bodies and hence there should be no apprehension on this ground.

">SHRI MANI SHANKAR AIYAR : The Constitutional amendment was not in 1996. The Constitutional amendment was in 1992 in terms of which the Parliament has passed an Act, a piece of legislation which is a law that contains provisions for the protection of tribal rights with respect to minerals found in the Fifth Schedule areas. Therefore, I have the apprehension that since several States have not been implementing the provisions of the Central Act in Scheduled areas lying within that State, there is a danger that unless the Central Government takes this into account, there would be a grave danger that in the process of delegating your powers to the States, you are depriving yourself of the ability to ensure that the States respect the rights of the tribals in the Fifth Schedule areas in composite States which contain such areas.

1622 hours

SHRI E.M. SUDARSANA NATCHIAPPAN : Madam, actually the Constitution of India has given the powers to the Central Government under List I for regulation of mines and minerals development to the extent to which such regulation and development under the control of the Union is declared by Parliament by laws to be expedited in the public interest. Therefore, the main reason is only for regulation of mines and then only there will be development. But clause 3 actually wants to put the cart before the horse. They want to put first the development and then regulation. That power is not given in the List I, List II and in the State List also.

In the Statement of Objects and Reasons also, there is no reason given why there is topsy-turvy, why the development comes earlier and regulation comes latter. Regulation is only relating to the power because it is a natural asset; it is a gift given by the nature to the country. The Americans and Western countries are not utilizing the mines but they are exploiting the mines of Asian countries. That is why, the framers of the Constitution have made it that we should regulate and then develop it. Now you want to develop it and then regulate it. That is a topsy-turvy work which is against the Constitutional powers also. If anything happens before the court, this may be set aside as it is unconstitutional because the powers are not given in both the Lists. That is my main objection.

My second submission is regarding my constituency. There is a graphite mine. As it is, the Central Government has not got the power to regulate the mines but for the 30 years, graphite has been taken up and nothing has been developed. The Government was taking up all these graphites, spending money but nothing is coming up. Such things should be looked into by the Ministry so that development can be brought properly.

MR. CHAIRMAN: You said you had only one point to make. You have completed two and you are going for the third.

SHRI E.M. SUDARSANA NATCHIAPPAN : I have one more point to make. Now there is a three-tier system. Under article 243G of the Constitution of India, you are devolving the powers and authority to the State. When you are gracefully giving the powers to the States, the States should give them to the Panchayats also. Panchayats are managing the property. They are looking after the property. They are developing the property but nothing is going to them. All the royalties, reigniorage, fee and dead rent charges, everything goes only to the State Government. Nothing is going to the Panchayats. Therefore, when the Central Government is making laws, the three-tier system of the Constitutional amendment should also be taken into consideration and Panchayats should be given the power to look into it, develop it and the taxes should be shared with them because the amendment is not giving any tax benefits under the three-tier system. Therefore, the Panchayats should also get the powers.

... (Interruptions)

सभापति महोदय : आपका नाम पहले बोला था, लेकिन आप हाउस में नहीं थे। इसलिए श्रीमती आभा महतो को बोलने का अवसर दिया गया।

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">डॉ.रामकृष्ण कुसमरिया (दमोह) : सभापति महोदया, मुझे समय देने के लिए मैं आपका आभारी हूं। मैं जिस क्षेत्र से आया हूं वह बुंदेलखंड का पन्ना जिला है जहां पर हीरे की खदानें हैं और हीरे निकलते हैं। वन अधिनियम के कारण हीरे निकालने हेतु खदानें बन्द कर दी गई हैं। उसके अलावा राजस्व की बहुत सी भूमि पड़ी हुई है, लेकिन वहां वन विभाग काम नहीं करता है और जो बहुमूल्य खनिज निकालने की कीमती भूमि है उसमें हीरे निकालने की अनुमति नहीं दी जाती है। अतः मेरी मांग है कि वन अधिनियम को शिथिल करते हुए वहां हीरे निकालने हेतु खनन की अनुमति दी जाए।

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">THE MINISTER OF MINES AND MINERALS (SHRI NAVEEN PATNAIK): Madam Chairperson, I have been listening carefully to the valuable suggestions made by the hon. Members regarding the amendments proposed to the Mines and Minerals (Regulation and Development) Act, 1957. I have also noted the apprehensions of several Members and I will deal with those in my statement which I am now giving.

">As the hon. Members are aware, the Act lays down the legal framework for development of minerals that our country is richly

endowed with. For a very brief and recent history of the M.M.R.D. Act, we first should go to the beginning of liberalisation, which began almost a decade ago, in 1991 to be exact. In 1993, a National Mineral Policy was evolved which wished to bring in more powers to the States and also to open certain minerals for the private sector. Taking this into account, the Mines and Minerals (Regulation and Development) Act was amended in 1994. Later, in 1996, under the Chairmanship of the then Minister of Mines, a Conference was held with all the relevant State Ministers and State Secretaries of Mines and Geology to formulate further liberal measures in the mining sector.

">In 1997, the then Secretary of the Department of Mines was made Chairman of a Committee to look into further liberalization in the mining sector and also giving even more power to the States. Today those suggestions from that Committee have come as the present proposed Amendments to the Act.

">This Bill wishes to categorise, as is done according to international standards, the reconnaissance permits, the prospecting licences and mining leases according to the appropriate category. The proposed amendments to this Act formally deal with it.

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">The first renewal is presently approved by the State Governments. Now all renewals will be done by State Governments.

">Now I come to ...

">SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Hon. Minister, may I ask a question?

">Parliament passed in December, 1996 the Extension of the Panchayats to the Scheduled Areas Act. That contains a number of provisions relating to mining with respect to Fifth Schedule areas. In the recitation that the hon. Minister has given, there has been no reference to that Act passed by the Parliament. I just seek an assurance from the hon. Minister that in implementing these delegated powers to the States, it will be ensured by the Central Government that the States will observe the provisions of the Extension of Panchayats to the Scheduled Areas Act, 1996. Thank you.

">SHRI NAVEEN PATNAIK: Madam, if the hon. Member, Shri Mani Shankar Aiyar permits, I could come to the point that he made later.

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">">SHRI NAVEEN PATNAIK: Thank you very much.

Madam, to sum up I would like to state that this Bill seeks to usher in an investor-friendly environment to evolve a hassle free regime and delegate further powers to the State Governments. Therefore, I suggest that the Bill be passed.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Madam, I would like to seek a clarification from the hon. Minister.

It has been said that Bauxite mining would be in Schedule I which means that the control of the Centre would be on Bauxite mining. Therefore, here I would like to plead with the hon. Minister, through you, Madam, that Bauxite mining at Bafalimali which has been granted to Indal is in the Kalahandi district, on the border of Kalahandi and Koraput districts, which is just on the edge of the reservoir of the Indravati project. Mining there would lead to silting thereby affecting the longevity of the upper Indravati project which is meant to irrigate the drought prone areas of the Kalahandi district. Everyone knows that Kalahandi is one of the poorest districts in the country and is also drought-prone. Therefore, this project was meant to irrigate this area. This project has now been completed. Therefore, if Bauxite mining is allowed at Indal in Bafalimali, then it would adversely affect the reservoir of the upper Indravati project.

Madam, therefore, I would like to request the hon. Minister that an alternative mining area, known as the Kodingamali may be identified. Its catchment is in the Nagavali river which directly flows into the Bay of Bengal.

MR. CHAIRMAN : The hon. Minister comes from your State only and he is aware of all these things.

वे यह सब जानते हैं, आप ही के स्टेट के मंत्री हैं।

श्री बिक्रम केशरी देव : मैं इनको बताना चाहता हूं, याद दिलाना चाहता हूं।

Madam, I would like the hon. Minister that when he takes a decision, he may kindly scrap the mining lease for Bafalimali at Indal and instead allow mining at Kodingamali which also has got enough of Bauxite for mining and enough to sustain alumina plants in that area.

SHRI NAVEEN PATNAIK: Madam, what the hon. Member has said has nothing to do with the Bill, hence it is outside the scope of the discussion. But I would certainly take note of what he has said.

डॉ. रघुवंश प्रसाद सिंह : महोदय, मैंने कोयले की रायल्टी से संबंधित सवाल उठाया था। सरकार की उच्चस्तरीय समिति ने बैठकर रिपोर्ट दी है कि मूल्य के आधार पर रायल्टी राज्यों को मिलनी चाहिए।

इसके बिना राज्यों को करोड़ों-करोड़ की क्षति हो रही है, राज्यों की हालत खराब है। समिति की रिपोर्ट पर सरकार दो वर्षों से विलम्ब क्यों कर रही है, उस अनुशंसा को क्यों नहीं लागू कर रही है? यह मंत्री जी ने स्पष्ट नहीं किया।

SHRI NAVEEN PATNAIK: In reply to the hon. Member, Madam, this is under consideration of the Government.

MR. CHAIRMAN : He says that it has been under consideration for two years.

SHRI NAVEEN PATNAIK: Well, we will see what can be done.

SHRI K.P. SINGH DEO (DHENKANAL): Madam, Chairperson, I had asked two specific questions and the hon. Minister in his reply did not touch on those points.

Whenever there is mining activity or development of mines, the first people to be thrown out are the tribals and people belonging to weaker sections. Therefore, I wanted to know whether there is a rehabilitation and resettlement plan with the Government. Secondly, what about the environmental hazards.

MR. CHAIRMAN: The Minister mentioned it.

SHRI K.P. SINGH DEO : No, he did not. He only mentioned about the Forest Conservation Act. That Forest Conservation Act was partially done for Bafalimali because I had raised a half-an-hour discussion two years back to which Prof. Soz had replied. Madam, these environmental hazards lead to Alzhemeirs disease where the patient"s thinking process goes haywire, his knees buckle and his brain does not control his nervous system. There is fluorosis and fluoride poisoning in Angul, in NALCO. NALCO is a Government company. As he says the Government has to take steps to prevent it. More than 5,000 people have suffered in Angul.

MR. CHAIRMAN: Hon. Minister, since these are issues concerning Orissa, why do you not call all Members of Parliament from Orissa and sort out all the problems? You come from that State. I think you should call all of them for a cup of tea and discuss it. That will be the easiest thing.

SHRI K.P. SINGH DEO : Madam, the Minister did not mention anything about NALCO purchasing a sinking company. It is scandalous.

SHRI NAVEEN PATNAIK: Madam, I will be very happy and feel honoured to call all my colleagues from Orissa at any time. They all know that I am available.

... (व्यवधान)

सभापति महोदया : नहीं तो यह उड़ीसा की ही डिबेट हो जाएगी।

SHRI K.P. SINGH DEO : No, Madam, the point which I made during my speech is the property of the House now. I am not going to meet the hon. Minister in his chamber and discuss these things. We are going to pay Rs.350 crore for a factory which is only worth Rs.30 crore. This is criminal, Madam, and I want a clarification from the Minister on this. I do not want to talk about these things in his chamber. Let the House know about it. Let there be some transparency. ... (Interruptions)

सभापति महोदया : आप ऐसे ही सवाल उठाएंगे तो रात भर इसी पर बैठना पड़ेगा।

श्री सत्यव्रत चतुर्वेदी : महोदया, मैं एक ही बात कह कर अपनी बात समाप्त करता हूं।

... (व्यवधान)

MR. CHAIRMAN: You have all spoken in the discussion.

... (व्यवधान)

श्री सत्यव्रत चतुर्वेदी : मैंने अनुरोध किया था कि बाक्साइट को हटा दें। आपने कहा चूंकि पब्लिक सैक्टर अंडरटैकिंग एल्यूमीनियम को कर रही है, इसलिए आपको चिन्ता है। मेरा एक सुझाव है, आप उसे देख लीजिए, एग्ज़ामिन करा लीजिए। पब्लिक सैक्टर अंडरटैकिंग्स का एल्यूमीनियम, बाक्साइट का जितना कंजम्पशन है आप उसे वर्कआउट कर लें। उसके लिए जितना आपको रिजर्व करना है उतना रिजर्व कर दें, कहीं रोक नहीं है। इतना सारा भंडार देश के विभिन्न प्रांतों में फैला हुआ है उसे आप महज़ कुछ पब्लिक सैक्टर अंडरटैकिंग्स की वजह से रोक कर रख लें, मैं समझता हूं कि यह उचित नहीं होगा। आप इसे फिर से एग्ज़ामिन करा लें।

सभापति महोदया : आप उसे एग्ज़ामिन करा लें, इसे नोट कर लीजिए।

... (Interruptions)

MR. CHAIRMAN : The question is:

"That the Bill further to amend the Mines and Minerals (Regulation and Development) Act, 1957, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House shall now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 24 stand part of the Bill."

Clauses 2 to 24 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

MR. CHAIRMAN: The Minister may now move that the Bill be passed.

SHRI NAVEEN PATNAIK: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

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